



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Board of Supervisors

Promoting the wise use of land
Helping build great communities

MEETING DATE November 1, 2016	CONTACT/PHONE Stephanie Fuhs, (805) 781-5721	APPLICANT George White	FILE NO. AGP2015-00008
SUBJECT Proposal by George White to alter the boundaries of an Agricultural Preserve, to enable the landowner to rescind an existing Land Conservation Contract and enter into a new Land Conservation Contract to reflect revised property boundaries from a Lot Line Adjustment. The property consists of approximately 155 acres located within the Agriculture land use category, at 17999 East Highway 46, approximately 1.5 miles west of Bitterwater Road, east of the community of Shandon. The site is in the Shandon-Carrizo subarea of the North County planning area.			
RECOMMENDED ACTION The Agricultural Preserve Review Committee and Planning Commission recommend approval of this request to alter the boundaries of an agricultural preserve to the Board of Supervisors as follows: Preserve Designation: Shandon Agricultural Preserve No. 1, Amendment No. 16 Minimum Parcel Size: 40 Acres Minimum Term of Contract: 10 years			
ENVIRONMENTAL DETERMINATION A Categorical Exemption (Class 17) was issued on September 16, 2016.			
LANDUSE CATEGORY Agriculture	COMBINING DESIGNATION Flood Hazard	ASSESSOR PARCEL NUMBERS: 017-131- 048, 049, 050, 051 & 052	SUPERVISOR DISTRICT(S) 1
PLANNING AREA STANDARDS: None Applicable		LAND USE ORDINANCE STANDARDS: Section 22.22.040C(2) – Minimum parcel size for new agricultural preserves	
EXISTING USES: Single family residence, grazing			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Agriculture/undeveloped, grazing <i>East:</i> Commercial Service and Agriculture/Steel fabrication yard, scattered residences, grassland <i>South:</i> Agriculture/Scattered residences, grassland <i>West:</i> Agriculture/Scattered residences, grassland			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: None, no referrals necessary			
TOPOGRAPHY: Mostly level to gently sloping		VEGETATION: Grasses	
PROPOSED SERVICES: None required		ACCEPTANCE DATE: February 11, 2016	
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER - SAN LUIS OBISPO, CALIFORNIA 93408 (805) 781-5600 FAX: (805) 781-1242			

PROJECT REVIEW

Background

The application to amend the agricultural preserve boundaries is necessary because the applicant, George White, along with neighboring property owner Jim Jeffers, have applied for a lot line adjustment to remedy encroachment of the Pacific Tank steel fabrication yard business onto the applicant's property. Upon completion of the lot line adjustment the steel fabrication yard will be located entirely on one lot owned by Mr. Jeffers and the agricultural land will be located on Mr. White's parcel.

The subject parcel is under agricultural preserve and land conservation contract, the neighbor's adjoining property is not under contract. The alteration of the agricultural preserve boundary and a new contract are necessary because the Government Code (Williamson Act) requires new contracts to be entered into when contracted land is subject to a lot line adjustment. The Government Code also requires that no more than 10% of the total contract acreage be adjusted, that there be no net loss of contracted acreage and the land being exchanged is of equal quality. The application complies with these requirements.

The subject property is located within the Shandon Agricultural Preserve No. 1 established on 2/7/1972 by Resolution No. 72-78 and is under a land conservation contract recorded on 2/14/1972 as Document No. 4626, Book 1653, Pages 240 through 255 inclusive.

Site and Area Characteristics

The White's property is currently used for grazing but has the potential to be used for dry farm. The land area being added to the contracted land through lot line adjustment is grassland that could be used for dry farm and/or grazing. The land being removed is no longer suitable for agricultural use due to the encroachment of the steel fabrication business.

The existing property subject to contract includes approximately 155 acres with approximately 6 acres that are used for the White's residence and accessory structures and the encroaching portion of the Jeffers steel fabrication business. Approximately 149 acres are used as dry farm/grazing land.

The Natural Resources Conservation Service soils survey indicates the area subject to the adjustment is comprised of a combination of Class 1, 2, 3 and 4 irrigated soils, Class 4, non-irrigated. The property is not irrigated. The following table shows the Natural Resources Conservation Service soils ratings of the site:

Land Capability Class		Rangeland Suitability	Dry Farm Suitability	Agricultural Use/Potential	Acres
If Irrigated	Non-Irrigated				
1	4	well suited	well suited	dry farm/grazing	56.31
2	4	well suited	well suited	dry farm/grazing/	92.3
3	4	well suited	well suited	dry farm/grazing	4.3
4	4	well suited	well suited	dry farm/grazing	1.84
			Total		154.75

Exhibit A shows the location, topography, and land use designations of the site and adjacent properties.

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As can be seen from the above table, the majority of the property is located on Class 4 non-irrigated soils that are well suited for dry farm and/or grazing. (The property has no recent history of being irrigated.)

Compliance with the Preserve Rules of Procedure

Agricultural Preserve

The Rules of Procedure requires that a property must first be under an Agricultural Preserve in order to qualify for a land conservation contract as an individual property. The property is already in an established agricultural preserve although this preserve was established in 1972 when the eligibility requirements were different and a mix of irrigated farming on prime soils and grazing on non-prime soils were the prevailing agricultural uses in the area.

Because the Rules of Procedure have changed substantially since the property entered the program in 1972, staff feels it is appropriate to re-evaluate the property for eligibility under current Rules. Also, the effective minimum parcel size for conveyance (40 acres) is out of date and does not reflect the agricultural use on the property at this time. Shandon Agricultural Preserve No. 1 was approved when the eligibility criteria in the Rules of Procedure did not require properties to be irrigated to qualify for a 40 acre minimum parcel size for conveyance. Although a majority of the soils on site would be considered prime if irrigated, the property is not currently used for irrigated agriculture and does not appear to have been used for irrigated agriculture in the recent past.

The Rules of Procedure were amended in 2012 to require 320 acres gross to qualify as a rangeland preserve and 160 acres gross to qualify as a Dry Farm agricultural preserve and contract. At 155 acres the property just lacks the gross acreage required under the current eligibility standard, however the resolution approving the 2012 amendments provided that minor changes to existing preserves such as lot line adjustments did not have to be requalified under current rules since they are fairly common, usually minor in nature and could otherwise create difficult situations and complicated regulatory constraints for landowners.

Staff is recommending approval of the request to alter the boundaries of the agricultural preserve to enable the lot line adjustment to correct the encroachment of the fabrication business into the contracted land. Although the property lacks the gross acreage for a dry farm preserve by 5 acres, staff feels the 2012 amendment allows the decision making body the discretion to approve the adjustment. However, staff originally recommended a 160 acre minimum parcel size to the APRC to better reflect the current and potential agricultural use of the land as a dry land grazing and potential dry farm property.

Land Conservation Contract

To meet current eligibility criteria, the property would also need to meet the 160 gross acreage and 100 acres of Class 3 or Class 4 soils to qualify for a land conservation contract. Although the property does not quite meet the 160 acre gross acreage requirement at 155 acres, it is the closest the property comes to being eligible under current rules. Staff again feels that the 2012 changes to the Rules of Procedure allowed new replacement contracts for lot line adjustments on existing contracted property to be approved without requalifying the property under new eligibility criteria, but it is desirable to have new replacement contracts come as close as possible to current eligibility standards.

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Staff originally recommended a 160 acre minimum parcel size for conveyance to the APRC as the most reflective of the current use of the property and the appropriate minimum term of contract at 10 years because the current term of the existing contract is 10 years.

Compliance with the Williamson Act

The lot line adjustment is consistent with the Williamson Act, Government Code Section 51257. (a) & (b) because the resulting property will consist of at least 90 percent of the land under the former contract resulting in no net loss of land under contract, and the land area added is of like soil type.

Agricultural Preserve Review Committee

The following is an excerpt from the Minutes of the Regular Meeting of the Agricultural Preserve Review Committee held on June 20, 2016 at the SLO County Board of Supervisors Chambers, County Government Center, 1055 Monterey Street, Room D170, in San Luis Obispo, California, at 1:30 p.m.

Terry Wahler, staff: presents staff report and provides a Power Point presentation. States that although this property lacks the required acreage to qualify for a dry farm lands land conservation contract there is no irrigated agriculture on the property to continue to justify a 40 acre minimum parcel size for conveyance, and therefore a minimum parcel size of 160 acres is recommended. Also clarifies this is for a 10 year term.

Lynda Auchinachie: discusses recent amendments to the Rules of Procedure Asks what level of discretion the APRC has regarding amendments to old contract involving lot line adjustments and the minimum parcel size with Mr. Wahler responding. Staff feels that the APRC has the discretion to retain the 40 acre minimum parcel size as it is now, because of the lot line adjustment, although current use is a dry land property.

Jamie Kirk, agent: shows a Power Point presentation of the proposal. Explains this request for an Agricultural Preserve and contract boundary amendment and lot line adjustment is solely to correct the encroachment of the neighbor's metal fabrication business onto the property and the landowner wants to keep the 40 acre minimum parcel size option for future estate planning and conveyance.

Don Warden: Asks if keeping the current parcel size to 40 acres versus 160 acres would allow the Whites to have 4 forty acre parcels. Ms. Kirk explains that conveyance below 40 acres would not be possible but groups of existing parcels equaling or exceeding 40 acres would be possible.

Bill Robeson: opens public comment with no one coming forward.

Lynda Auchinachie: recommends approval with 40 acre minimum parcel size and provides reasoning.

Thereafter, on motion of Lynda Auchinachie, seconded by Bill Robeson and on the following roll call vote:

AYES: Lynda Auchinachie, Bill Robeson, Jon Pedotti, Dick Nock, Don Warden,
Hugh Pitts, Jeff Stranlund, Paul Hoover, Robert Sparling, Mary Bianchi

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NOES: None

ABSENT: Jennifer Anderson, Kaila Dettman, Lynn Moody

The APRC moved to recommend the Board of Supervisors approve this request to alter the boundaries of an Agricultural Preserve, rescind an existing Land Conservation Contract and enter into a new Land Conservation Contract to reflect revised property boundaries from a Lot Line Adjustment, changing the recommended Minimum Parcel Size from 160 acres to 40 acres. Preserve designation: Shandon Agricultural Preserve No. 1, Amendment No. 16. Minimum Parcel Size: 40 acres. Minimum term of contract: 10 years.

RECOMMENDATIONS

The Agricultural Preserve Review Committee and Planning Commission recommend approval of this request to alter the boundaries of an agricultural preserve to the Board of Supervisors as follows:

Preserve Designation: Shandon Agricultural Preserve No. 1, Amendment No. 16

Minimum Parcel Size: 40 acres

Minimum Term of Contract: 10 years

FINDINGS

- A.** The proposed amendment of this agricultural preserve is consistent with the San Luis Obispo County General Plan, including the Land Use Element, the Agriculture Element, the Conservation and Open Space Element, and the County's Rules of Procedure to Implement the California Land Conservation Act of 1965 since the preserve is being adjusted to reflect new property boundaries and the agricultural land uses and agricultural productivity will be unchanged.
- B.** The proposed amendment of this agricultural preserve is appropriate and consistent with the rural character of the surrounding area.
- C.** The new contract will enforceably restrict the adjusted boundaries of the newly configured parcel for a minimum of ten years.
- D.** There is no net decrease in the amount of acreage restricted by land conservation contract.
- E.** The new contract for the resulting parcel will consist of at least 90 percent of the land under the former contract.
- F.** The parcel of land after the adjustment will be large enough to sustain the current agricultural use.
- G.** The lot line adjustment will not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to contract.

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- H. The lot line adjustment will not be likely to result in the removal of adjacent land from agricultural use.
- I. The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan.

Report prepared by Stephanie Fuhs
and reviewed by Terry Wahler, Senior Planner
Land Conservation Program

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